

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 30, 2009

D054427 In re Rebecca S., a Juvenile

The appeal is dismissed. Aaron, J.; We Concur: Benke, Acting P.J., Haller, J.

D054804 San Diego Community College District v. Superior Court of San Diego County/Schwartz

The petition for writ of mandate and request for stay have been read and considered by Justices Nares, McIntyre and Aaron. The petition is denied

D054590 In re Sanchez on Habeas Corpus

The petition is denied.

D054585 Rivera v. Superior Court of San Diego County/People

The petition is denied.

D054689 Lucy M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Arthur M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Arthur M. is dismissed.

D054690 Monica C. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Monica C. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Monica C. is dismissed.

D054643 In re Guillen on Habeas Corpus

The petition for writ of habeas corpus has been read and considered by Justices Nares, McIntyre and Aaron. Petitioner challenges a serious rules violation he received at Centinela State Prison. The petition is denied for failing to include relevant documents for our review. (*People v. Duvall* (1995) 9 Cal.4th 464, 474.) Petitioner indicates he exhausted administrative remedies, but only includes information regarding the second level review. Petitioner has not included the Director's Level appeal decision. Given exhaustion of administrative remedies is a jurisdictional prerequisite, and petitioner has provided no information about the basis of the final administrative decision, we deny the petition. (*In re Muszalski* (1975) 52 Cal.App.3d 500, 508; *Wright v. State* (2004) 122 Cal.App.4th 659, 664-666.) The petition is denied.

D052032 Chaidez v. State of California et al.

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 30, 2009 (Continued)

D054718 In re Little on Habeas Corpus

The petition is denied.

D053516 In re J. W., a Juvenile

The order establishing Johnny as the biological father is reversed. Nares, J.;
We Concur: Huffman, Acting P.J., Irion, J.

D054794 Ottombrino v. Superior Court of San Diego County/People

The petition for writ of mandate and request for stay have been read and considered by Justices
Nares, McIntyre and Aaron. The petition is denied

D054684 Pogue v. People

The petition for a writ of coram nobis has been read and considered by Justices Nares, McIntyre
and Aaron. The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 1, 2009

D054826 Marin v. O.D. Corporation

Mel Marin has been declared a vexatious litigant within the meaning of Code of Civil Procedure section 391 and is subject to a prefilng order pursuant to Code of Civil Procedure section 391.7. The court has read and considered Marin's "Motion for Leave to Appeal and Affirmation in Support" filed on March 26, 2009. The motion is denied.

D052576 Akenbrandt v. Shannahan

The judgment is affirmed. Ankenbrandt is entitled to costs on appeal. McDonald, J.;
We Concur: Nares, Acting P.J., O'Rourke, J.

D053475 In re Zepeda on Habeas Corpus

The request for publication is denied.

D053533 Martin v. American General Financial Services

On March 25, 2009, *respondent* Connie Martin improperly filed an *appellant's* request for dismissal of the appeal. The court then erroneously dismissed the appeal and ordered the remittitur to immediately issue on March 26, 2009. On the Court's own motion the orders of dismissal and remittitur are recalled and the appeal is reinstated. The respondent's brief is due on or before April 9, 2009, in accordance with the extension of time granted on March 3, 2009. No further extensions are contemplated. The San Diego County Clerk of the Superior Court is directed to return said remittitur to this court on or before April 10, 2009.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 2, 2009

D051360 Kunit v. Kunit

The order is affirmed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

D054275 In re N.A. , a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

D053589 Smith v. Trans Union, LLC et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D053800 In re Anna S., a Juvenile

The petition for rehearing is denied.

D054588 Selinger v. Carlsbad Auto Service Inc., et al.

Appellant's petition for rehearing filed on April 1, 2009, is denied as untimely. (Cal. Rules of Court, rule 8.268(b)(1).)

D052933 D'Anna v. Pacificare of California et al.

The petition for rehearing is denied.

D053673 Colombero v. United Services Automobile Association

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party shall bear its own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 3, 2009

D053193 People v. Stewart

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., McDonald, J.

D054853 People v. King

On March 26, 2009, Maurice Simeon King filed a notice of appeal from the superior court's March 6, 2009, and March 18, 2009, minute orders continuing trial in this matter. However on March 26, 2009, the superior court granted the People's motion to dismiss the case without prejudice and ordered Maurice Simeon King released from custody. Because there is no appealable order or judgment in SCD217707, the appeal filed on March 26, 2009, is inoperative. The appeal is dismissed.

D053072 Phillips v. TLC Plumbing Inc., et al.

The judgment is affirmed. Defendants are entitled to their costs on appeal. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.

D054526 Diane H. v Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Diane H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D054689 L.M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Lucille M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.